

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 481

As Amended by Senate Committee on Judiciary

Brief*

SB 481, as amended, would establish procedures in the Kansas Code of Procedure for Municipal Courts (Municipal Code of Procedure) concerning a defendant's competency to stand trial. The bill would also amend law in the Municipal Code of Procedure and the Kansas Code of Criminal Procedure to reflect the new procedures created by the bill.

The bill would allow a municipal judge to order a psychiatric or psychological examination of a defendant when the judge finds reason to believe that such defendant is incompetent to stand trial. Such examination could be ordered at any time after a defendant has been served with the complaint and before the satisfaction of the sentence, but once ordered, would be required to be completed within 60 days. An examination could only be ordered after a hearing and all speedy trial requirements would be suspended during such examination.

The bill would authorize the court to order such examination and report be conducted by:

- An appropriate state, county, or private institution or facility;
- A licensed physician or psychologist who is qualified through training or experience; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- An examiner from a list of competency examiners used in the district court where the municipal court is located.

The bill would provide that no statement made by a defendant during any examination could be admitted in evidence against such defendant in any criminal proceeding. This rule would apply regardless of whether the defendant consents to the examination.

The costs for an examination ordered pursuant to the bill would be paid from the municipal court funds or the general fund of the municipality.

Before the expiration of the 60-day examination period, the bill would require the court-approved examiner to certify to the court whether such defendant is competent to stand trial. Upon certification to the court that a defendant subject to examination has been determined by the examiner to be competent to stand trial, the suspended proceedings would be required to resume.

Upon certification to the court that a defendant has been determined by the examiner to be incompetent to stand trial, the bill would require the court to conduct a hearing with the defendant present and make a written finding regarding the competency of such defendant. If after the hearing the court finds that a defendant is incompetent to stand trial, the criminal charges against the defendant would be required to be dismissed without prejudice, and the city attorney could file a petition pursuant to the Care and Treatment Act for Mentally Ill Persons or request that the district attorney or county attorney review the case for the filing of a complaint in district court.

If the city attorney receives credible information that a defendant who was previously found to be incompetent has regained competency, the bill would allow the city attorney to refile the charge within the applicable statute of limitations. In this scenario, the bill would require the court to conduct a

hearing with the defendant present to make a finding in writing regarding the current state of the defendant's competency.

The bill would amend the definitions section of the Municipal Code of Procedure to include a definition of "incompetent to stand trial" and "treatment provider."

The bill would amend law in the Kansas Code of Criminal Procedure concerning the ability of a court to determine competency to specify the court could rely on the examination ordered by a municipal court.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the League of Kansas Municipalities (LKM).

Senate Committee on Judiciary

In the Senate Committee hearing, a representative of LKM and a Salina Municipal Court Judge provided **proponent** testimony. Proponents stated the bill would provide a legal framework to ensure the competency of defendants appearing in municipal court is addressed in a manner that protects the rights of such defendants and preserves the integrity of the judicial process.

Written-only proponent testimony was provided by a representative of the City of Overland Park.

Written-only **neutral** testimony was provided by a representative of the Kansas Judicial Council, who explained the bill is a product of the Judicial Council's Ad Hoc Advisory Committee on Municipal Defendant Competency study of issues raised in 2024 SB 448.

No other testimony was provided.

The Senate Committee amended the bill to:

- Clarify language concerning the determination of a defendant's competency to require the court make a finding in writing;
- Clarify that a defendant's criminal charges would be dismissed without prejudice if found incompetent by the court; and
- Allow a city attorney to refile charges if a defendant previously found incompetent has regained competency within the statute of limitations.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it allows a city attorney to file a petition. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also result in the collection of additional docket fees for cases filed under the provisions of the bill which would be deposited into the State General Fund. However, a precise fiscal effect cannot be estimated. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The LKM indicates enactment of the bill would have a negligible fiscal effect on cities that could be absorbed within existing resources.

Municipal courts; Kansas Code of Procedure for Municipal Courts; competency to stand trial; examination; Kansas Code of Criminal Procedure